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April 3, 2023

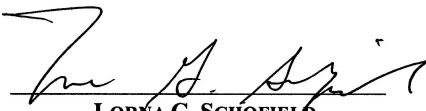
## VIA CM/ECF

Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Application **DENIED**. The parties shall file a joint case management plan by April 5, 2023, as directed in the Order dated April 3, 2023. The initial pretrial conference will proceed as scheduled, April 12, 2022.

Dated: April 4, 2023  
New York, New York

Re: *The Estate of Adamina Negron v. Providence Rest, Inc. et al.*  
Case No.: 1:23-cv-01293-LGS

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

The parties jointly submit this letter in response to the Court's April 3, 2023 Order with respect to the proposed Case Management Plan and upcoming conference in the above matter.

Threshold questions regarding whether this Court has subject matter jurisdiction to adjudicate this matter are currently the subject of two appeals before the Second Circuit Court of Appeals: *Leroy v. Hume*, Nos. 21-2158, 21-2159 (cons.), and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 21-2164. On March 7, 2023, the Second Circuit rejected defendants' bases for federal jurisdiction in a third appeal, *Solomon v. St. Joseph Hospital*, No. 21-2729, and remanded that case back to state court. The parties expect that decisions in *Leroy* and *Rivera-Zayas* will be forthcoming in the next thirty (30) days.

As such, given that underlying issues regarding this Court's jurisdiction are in dispute, the parties respectfully ask the Court to adjourn the time to file a Joint Proposed Case Management Plan and the Initial Conference, currently scheduled for April 12, 2023, for thirty (30) days. In the event the Court grants this request, the parties will update the Court within thirty (30) days regarding the status of the Second Circuit appeals.

We thank the Court for its attention to this matter.

Sincerely,

*Megan A. Lawless*

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